

House Bill 73

By: Representatives Day of the 163rd, Horne of the 71st, and Neal of the 1st

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 31-5A-4 of the Official Code of Georgia Annotated, relating to the
2 Department of Community Health's powers, duties, functions, and responsibilities and
3 contracts for health benefits, so as to require the Department of Community Health to provide
4 emergency transportation services during a declared state of emergency for the elderly,
5 disabled, and children residing in certain state licensed facilities; to amend Code Section
6 31-7-3 of the Official Code of Georgia Annotated, relating to requirements for permits to
7 operate institutions, so as to require notification to certain departments, local officials, and
8 utilities; to amend Code Section 31-12-2.1 of the Official Code of Georgia Annotated, relating
9 to the investigation of potential bioterrorism activity, and regulations and planning for public
10 health emergencies, so as to require that the State's emergency response plan include a plan
11 for the evacuation and transportation of persons receiving treatment or care in certain state
12 licensed facilities; to amend Code Section 38-3-27 of the Official Code of Georgia Annotated,
13 relating to local organizations for emergency management, so as to require organizations
14 receiving government assistance for the provision of housing for the elderly or disabled to
15 provide certain notice to local emergency management organizations; to provide for related
16 matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Code Section 31-5A-4 of the Official Code of Georgia Annotated, relating to the Department
20 of Community Health's powers, duties, functions, and responsibilities and contracts for health
21 benefits, is amended by adding a new paragraph (9) immediately following paragraph (8) of
22 subsection (f) to read as follows:

23 "(9) Shall make available by contract emergency transportation services for the elderly,
24 disabled, and children residing in facilities licensed under Chapter 7 of Title 31 for the
25 purpose of receiving long term health care, including nursing homes, personal care homes,
26 or other licensed assisted living homes in the event of a declared state of emergency
27 requiring evacuation of the facility. A copy of the agreement shall be provided upon

1 request to the Georgia Emergency Management Agency and to each local organization for
2 emergency management established pursuant to Code Section 38-3-27."

3 SECTION 2.

4 Code Section 31-7-3 of the Official Code of Georgia Annotated, relating to requirements for
5 permits to operate institutions, is amended by striking subsection (c) thereof and inserting in
6 its place the following:

7 "(c) The department shall require a facility licensed under this article and rules and
8 regulations adopted pursuant thereto to have a written and regularly rehearsed disaster
9 preparedness plan, approved by the department, for staff and residents to follow in case of
10 fire, explosion, or other emergency, including interruption of electrical power supply, gas-
11 heating supply, and water supply. The plan shall include written procedures for personnel to
12 follow in an emergency including care of the resident; notification of attending physician and
13 other persons responsible for the resident; and arrangements for transportation, evacuation,
14 ~~for~~ hospitalization, ~~for~~ alternate living arrangements, ~~for~~ emergency energy sources, ~~or for~~
15 and other appropriate services. The disaster preparedness plan shall also include a provision
16 that the facility notify local fire and police departments and utility companies of their
17 existence and resident occupancy capacity. Within 30 days following the adoption of the
18 plan or any modification to the plan, a copy shall be provided to the department and to the
19 local organization for emergency management having jurisdiction over the facility as
20 provided in Code Section 38-3-27."

21 SECTION 3.

22 Code Section 31-12-2.1 of the Official Code of Georgia Annotated, relating to the
23 investigation of potential bioterrorism activity, and regulations and planning for public health
24 emergencies, is amended by striking subsection (c) and inserting in its place the following:

25 "(c) The department shall promulgate, prepare, and maintain a public health emergency plan
26 and draft executive order for the declaration of a public health emergency pursuant to Code
27 Section 38-3-51 and Chapter 13 of Title 50. The plan shall include a provision for the
28 emergency transportation and evacuation of persons receiving treatment or care in a facility
29 licensed under Chapter 7 of Title 31, including hospitals, nursing homes, personal care
30 homes, or other licensed assisted living homes for the care of the elderly, disabled, or
31 children with serious medical needs, in the event of a declared state of emergency requiring
32 the evacuation of such facility. In preparation of such public health emergency plan and draft
33 executive order, the department shall consult and coordinate as appropriate with the Georgia
34 Emergency Management Agency, the Federal Emergency Management Agency, the Georgia
35 Department of Public Safety, the Georgia Department of Agriculture, the Georgia

1 Department of Community Health, and the federal Centers for Disease Control and
2 Prevention. A copy of the public health emergency plan and any modification thereto shall
3 be provided to each department specified in this subsection and to each local organization
4 for emergency management established pursuant to Code Section 38-3-27."

5 **SECTION 4.**

6 Code Section 38-3-27 of the Official Code of Georgia Annotated, relating to local
7 organizations for emergency management, is amended by adding immediately following
8 subsection (f) thereof a new subsection (g) to read as follows:

9 "(g) Any organization receiving assistance from a federal or state agency for the purpose of
10 providing housing to the disabled or elderly is required to notify the local organization for
11 emergency management having jurisdiction over the residence or facility. Such notice shall
12 include the location and the maximum authorized resident occupancy of the residence or
13 facility housing disabled or elderly persons. Any organization receiving such governmental
14 assistance shall cooperate with local authorities and the local emergency management
15 agency in the development and notification of disabled and elderly residents of emergency
16 transportation and evacuation plans. The local governing authority may establish, by
17 ordinance, fines and penalties for a violation of the reporting requirements created in this
18 subsection."

19 **SECTION 5.**

20 This Act shall become effective only for the purposes of promulgating rules and regulations
21 thereunder upon its approval by the Governor or upon its becoming law without such approval.
22 This Act shall become effective for all other purposes on January 1, 2008.

23 **SECTION 6.**

24 All laws and parts of laws in conflict with this Act are repealed.